

REMARKS

The Pending Claims

Claims 1-4 are pending and directed to a process from transducing a cell with a DNA sequence.

The Amendments to the Title and Specification

The title has been amended to recite "METHODS OF USING ADENO-ASSOCIATED VIRUS REP PROTEIN." The "Cross-Reference to Related Patent Applications" of the specification has been amended to reflect the current status of the parent application, as requested by the Examiner. No new matter has been added by way of these amendments.

The Office Action

The Office requires correction of the specification to reflect the current status of the parent application. Claims 1-4 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 9-11 of U.S. Patent 6,342,390 (Kotin et al.) in view of U.S. Patent 5,604,090 (Alexander et al.) or U.S. Patent 6,165,781 (Carter et al.). Reconsideration of this rejection is hereby requested.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement on August 3, 2001. Applicants request that the Examiner return to Applicants an Examiner-initialed copy of the PTO-1449 form evidencing consideration of references AA-BD recited therein. In accordance with the discussion with Examiner Nguyen on May 13, 2004, Applicants have not re-submitted copies of the PTO-1449, IDS, references AA-BD, or the stamped return postcard from the Patent Office indicating receipt of these documents by the Patent Office.

Discussion of the Obviousness-type Double Patenting Rejection

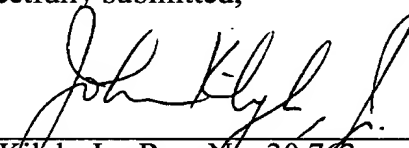
Claims 1-4 have been rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting over claims 9-11 of U.S. Patent 6,342,390 (Kotin et al.) in view of the Alexander or Carter reference. Submitted herewith is a Terminal Disclaimer Under 37 C.F.R. § 1.321(b), which is based on U.S. Patent 6,342,390. The enclosed Terminal Disclaimer renders moot the obviousness-type double patenting rejection.

In re Appln. of Kotin et al.
Application No. 09/922,327

Conclusion

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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